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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

LYNCH AND KENNEDY DRY GOODS, INC.,)
)
Plaintiff,)
)
v.)
)
AMERICAN FIRE AND CASUALTY)
COMPANY,)
)
Defendant.)
)

Case No. 3:17-cv-_____

**DEFENDANT'S NOTICE OF
REMOVAL**

TO: Clerk of the United States District Court
For The District of Alaska

AND TO: Larry Woolford
Poulson & Woolford, LLC
636 Harris Street
Juneau, AK 99801

LAW OFFICES
RICHMOND & QUINN
A PROFESSIONAL CORPORATION
360 K STREET, SUITE 200
ANCHORAGE, ALASKA 99501-2038
(907) 276-5727
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PLEASE TAKE NOTICE that defendant American Fire and Casualty Company (“American”) files this Notice of Removal pursuant to 28 U.S.C. § 1446(a). American states the following in support of this Notice of Removal.

I. COMPLIANCE WITH PROCEDURAL REQUIREMENTS

1. American is a party to a civil action brought against it in the District Court for the State of Alaska, First Judicial District at Juneau, entitled, *Lynch and Kennedy Dry Goods, Inc. v. American Fire and Casualty Company*, Case No. 1JU-17-00684 Civil. Plaintiff’s complaint seeks recovery from its insurer of legal fees incurred in defending against a criminal charge. Copies of the Summons and Complaint are attached as Exhibit A. (Exhibits to the Complaint excluding 150 pages not attached.)

2. The state court action was filed with the clerk of the trial courts for the District Court for the State of Alaska, First Judicial District at Juneau on May 16, 2017. American was served with the Summons and Complaint on May 16, 2017. Disclosures received from the plaintiff on July 13, 2017, revealed that the amount in controversy exceeded \$75,000. This Notice of Removal is timely filed in compliance with 28 U.S.C. § 1446(b), within 30 days of receiving documentation “from which it may first be ascertained that the case is one which is or has become removable.”

3. American has, in compliance with 28 U.S.C. § 1446(d), promptly given written notice of the filing of this Notice of Removal to plaintiff, and has filed a copy

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of the same with the clerk of the trial courts for the District Court for the State of Alaska, First Judicial District at Juneau. See Exhibit B.

4. Venue for removal lies in this Court because the state court in which the action was originally filed is within this Court's geographic district.

5. By removing this action to this Court, American does not waive any defenses, objections, rights, or motions available to it under state or federal law, including for improper service or other grounds under Fed. R. Civ. P. 12(b).

II. STATEMENT OF GROUNDS FOR REMOVAL

6. The state court action is a controversy between citizens of different states. 28 U.S.C. § 1332. At the time of service of the Complaint, upon information and belief, plaintiff Lynch and Kennedy Dry Goods, Inc. was, and is now, an Alaska corporation with its principal place of business in Juneau, Alaska. American was, and is now, a New Hampshire corporation with its principal place of business in Massachusetts. There is thus complete diversity between the parties.

7. Although plaintiff failed to specify an exact amount of damages in their prayer for relief, recently served Initial Disclosures reflecting claimed damages that allegedly amount to more than \$100,000. Accordingly, the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

8. This is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, in that it is an action for damages in which the matter in

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controversy exceeds that sum or value of \$75,000 exclusive of interest and costs and is between citizens of a different state.

WHEREFORE, American hereby removes the above-entitled action now pending in the District Court for the State of Alaska, First Judicial District at Juneau to the United States District Court for the District of Alaska.

DATED this 21st day of July 2017, at Anchorage, Alaska.

RICHMOND & QUINN

By 

Daniel T. Quinn, ABA 8211141

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of
July 2017, a copy of the foregoing was served
by mail on the following:

Larry Woolford
Poulson & Woolford, LLC
636 Harris Street
Juneau, AK 99801
Email: larry@poulsonwoolford.com


RICHMOND & QUINN

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